THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6446 of 2006

Dated: 11-07-2006

Between:

Yerraboina Muttaiah.

..... PETITIONER

AND

The Revenue Divisional Officer, Khammam District
and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6446 of 2006

ORDER:

The petitioner was assigned land admeasuring Acs.3.00 in R.S.No.444 of Palvancha Village and Mandal in Khammam District in the year 1976. He allegedly developed the land and cultivated the same. According to him on 27-03-2006, the respondents 2 and 3 along with the staff came to the land and conducted survey. On enquiries the petitioner was informed that the land in survey No.444 is to be allotted to poor persons as house sites. Aggrieved by the same, the present writ petition is filed alleging that without due process of law, the petitioner is being dispossessed.

At the stage of admission itself, a counter-affidavit is filed by the Mandal Revenue Officer (MRO), Palvancha, second respondent herein. It is stated that the petitioner was assigned land admeasuring Acs.5.00 in survey No.444 vide proceedings dated 16-02-1974. On verification of status of the assigned land, it was found that the petitioner has disposed of the land to various persons after collecting considerable sale amount. After inspection of the land by MRO, purchasers filed W.P.No.23922 of 2002 and the same was disposed of by this Court on 08-01-2003 giving liberty to the respondents to follow due process of law as contemplated under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). Accordingly notice was issued to the petitioner and the purchasers. The petitioner neither submitted explanation nor participated in the enquiry. Therefore, by proceedings dated 29-07-2003, MRO passed orders directing remission of the land to the Government for violating the conditions of assignment. It is also stated that by proceedings dated 07-11-2003, MRO allotted the land to the persons belonging to scheduled tribe as house sites. Thus it is stated that the petitioner and the purchasers have been evicted as per due process of law contemplated under the Act after giving reasonable opportunity. The petitioner has filed a reply-affidavit denying the counter averments. The petitioner denies receipt of any notice. It is further contended that the petitioner is in possession of land admeasuring Acs.3.00 and he has not been dispossessed.

This Court has heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment). The main contention raised before this Court by the petitioner is that the respondents did not follow due process of law while threatening dispossession. The case of the respondents is that after following due process of law, MRO passed orders under the Act for resumption of the

land and that the land has already been resumed, which has been assigned as house site pattas in 2003.

Along with the counter-affidavit, MRO has enclosed copies of notice dated 25-02-2003 issued under Rule 3 of the Andhra Pradesh Assigned (Prohibition of Transfer) Rules, 1977, proceedings dated 29-07-2003, whereby and whereunder the land was ordered to be resumed after cancelling the assignment and proceedings of MRO bearing RC.No.B/4319/2002 dated 07-11-2003 allotting/assigning land in survey No.444 as house sites to as many as 141 persons. A perusal of these documents would show that MRO, second respondent has followed due process of law. Indeed the proceedings dated 29-07-2003 would show that petitioner sold the land in survey No.444, to an extent of 0.21 ½ guntas under registered sale deed dated 09-05-1994 to one Katragadd Nageswara Rao, S/o Veeranarayana, that he sold an extent of 0.13 guntas under registered sale deed dated 22-02-1993 to one Kshirunissa, W/o Md. Siddique, and that he also sold another extent of 0.20 guntas under registered sale deed dated 22-02-1993 to M.A. Baig, S/o Siddique. When proceedings dated 29-07-2003 refers to registered documents pertaining to the land in survey No.444 and the petitioner was admittedly assigned land in survey No.444, it is reasonable to draw an inference that the petitioner has contravened the provisions of Section 3(2) of the Act warranting action under Section 4 of the Act, which was precisely done. The allegation that proper procedure has not been followed is thus belied by the documents filed by MRO along with the counter-affidavit.

The writ petition, which is misconceived and devoid of merits, is accordingly dismissed. No costs.

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V.V.S.RAO, J

11th July, 2006
ghn